

June 5, 2019

Brian Crowell  
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PERB  
1031 18th St  
Sacramento, CA  
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RE: PUBLIC COMMENT FOR JUNE 13, 2019 MEETING ON PROPOSED REGULATIONS  
PART 2

Dear PERB;

Please add this correspondence to your public comments for the June 13, 2019 Board Meeting.

According to California Code 3549 Public School Employees are not allowed protections provide under California Labor Code 923. Embedded in California Labor Code 923 are NLRB derived section 7 rights. Many teachers and public school employees have expressed concerns with this lack of protection not provided by the EERA. Therefore we request PERB task Executive Director Joshua Golka take steps to remedy these statutory concerns. Please see references below.

Sincerely,

Brian Crowell  
Retired Teacher

Ca Code 3549:

The enactment of this chapter shall not be construed as making the provisions of Section 923 of the Labor Code applicable to public school employees and shall not be construed as prohibiting a public school employer from making the final decision with regard to all matters specified in Section 3543.2 .

Nothing in this section shall cause any court or the board to hold invalid any negotiated agreement between public school employers and the exclusive representative entered into in accordance with the provisions of this chapter.

*(Added by Stats. 1975, Ch. 961.)*

California Labor Code 923

In the interpretation and application of this chapter, the public policy of this State is declared as follows:

Negotiation of terms and conditions of labor should result from voluntary agreement between employer and employees. Governmental authority has permitted and encouraged employers to organize in the corporate and other forms of capital control. In dealing with such employers, the individual unorganized worker is helpless to exercise actual liberty of contract and to protect his freedom of labor, and thereby to obtain acceptable terms and conditions of employment.

*Therefore it is necessary that the individual workman have full freedom of association, self-organization, and designation of representatives of his own choosing, to negotiate the terms and conditions of his employment, and that he shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.*

*(Enacted by Stats. 1937, Ch. 90.)*